

Famous Maine Murder Cases . . .

1867 Slayings Nearly Sent Innocent Man To Gallows

By REGGIE BOUCHARD,

Lewiston Evening Journal

Written for

THE ASSOCIATED PRESS

AUBURN—An innocent man almost went to the gallows in 1867 for a gruesome double murder in a West Auburn farmhouse.

Luther J. Verrill's wrongful conviction undoubtedly hastened the abolishment of capital punishment in Maine, although it didn't come for 20 more years.

VERRILL WAS NOWHERE near the murder scene at the time of the slayings. And in court he said:

"... every word is false and I can prove where I was."

Eight witnesses paraded before an Androscoggin County jury and swore that the hapless Verrill did not leave his boarding house on the murder night.

Yet, Verrill was found guilty—on the testimony of an

alleged accomplice who also was sentenced to be hanged.

Clifton Harris, a Negro, told of going with Verrill to the farm home of Mrs. Susannah Kinsley, 64, intent on robbery. He described in detail how Verrill killed Mrs. Kinsley, raped her lifeless body, then mangled it with an axe.

HER HORRIFIED CRIES, as she was attacked, awakened a companion, Miss Polly Caswell, 67. She, too, was slain by Verrill, according to Harris.

A blustery northeast storm discouraged normal visitors to the lonely farm home. It was three days before the slayings were discovered.

The two defendants tried in vain to win freedom on exceptions to law and evidence at their trial. The State Supreme Court turned them down, and both were finally taken to Thomaston by stage coach to await death.

Harris, who had expected to win his freedom by turning state's witness, was bitterly disappointed that his death sentence had been upheld.

And as the time for the hanging grew close, he sought out the warden and a minister. He confessed that he, and not Verrill, was the real murderer.

YET THE COURTS refused to set the verdict aside.

Concern mounted in Lewiston and Auburn for the ill-starred Verrill.

But a new motion was filed and the Supreme Court freed the man.

Harris eventually was hanged—one of the last persons in Maine to suffer that fate.

Smutty Nose murders helped kill death penalty

By Karen Lemke
Special to the NEWS

BANGOR DAILY NEWS

MAR 21 1938

One of Maine's most bizarre murder cases took place 115 years ago this month on Smutty Nose Island, one of the Isles of Shoals located off Portsmouth, N.H. and within the limits of the State of Maine. The outcome would fuel the long simmering controversy over the death penalty, ultimately killing Maine's 1837 capital punishment law.

Smutty Nose was home to a Norwegian fisherman named John Hontveit, his wife Marren, her sister Karen, their brother Ivan Christensen and his wife, Anehe. When John and Ivan left Smutty Nose on the morning of March 5 to row to Portsmouth for bait, little did they know they would return to the scene of one of Maine's worst crimes of the century.

As John and Ivan came ashore for bait, they were met by Louis Wagner, a Prussian fisherman who was previously in Hontveit's employ. In fact, Wagner had lived for seven months in the Hontveit household. When the expected bait did not arrive on the train, Hontveit remarked that he and his brother-in-law would not be able to return home that night. The Norwegian also made the mistake of mentioning how much he had just cleared in his fishing business. The two remarks were a green light to Wagner. On the moonlit March night and with a favorable tide, the 29-year old Wagner set out for Smutty Nose around 8 p.m. in a stolen dory.

About midnight a figure slipped into the island's lone cottage and fastened the door of the bedroom occupied by Marren and Anehe. The midnight marauder ransacked the house for his expected bounty — some \$800, according to John Hontveit. He was surprised to find Karen asleep on a lounge in the kitchen, instead of the upstairs room she usually occupied. Her mistake was waking up. The intruder seized a chair and struck her repeatedly until she fell against the Hontveit bedroom door. One of the blows knocked the clock from the mantle, freezing 1 a.m. as the hour of the murders.

Karen's fall against the door unfastened the latch and Marren threw the door open to find the murderer posed with a chair in the air. Frankly pulling Karen inside, Marren Hontveit barricaded the door, directing Anehe to jump out the window and scream in the hope of alerting some neighboring islanders.

Anehe never made it. The intruder intercepted her as she cried out "Louis, Louis." Marren Hontveit then ran from the house in her nightdress, hiding for the rest of the night in a rocky cave near the shore. In the morning she crept back to the cottage, where she found the bodies of her sister and brother-in-law. The little dwelling had been ruminated, but the killer failed to find Hontveit's currency hidden inside a trunk. His paltry bounty consisted of three \$5 bills, some silver change and a few copper pennies, mostly bearing a Norwegian stamp.

After finding this money Louis Wagner snatched in the Hontveit kitchen and then rowed back to Portsmouth. He explained his absence at his boarding house by saying he had drunk two glasses of ale early that evening, had become drowsy and slept off his stupor outdoors. Later in the day, Wagner took a train to Boston to stay with friends.

Wagner left for Boston about the same time John



Louis H. F. Wagner

Hontveit and his brother-in-law, Ivan Christensen returned to Smutty Nose and made their chilling discovery. By the end of the day police had located Wagner and placed him under arrest. He was returned to Portsmouth, where a huge mob surrounded him and threatened to lynch him. Wagner was shipped to the York County jail in Alfred, where he awaited trial for murder. Convicted of murder on June 18, 1873, Wagner returned to the Alfred jail, where he staged a sensational escape, finally being captured in New Hampshire.

In September of that year Wagner was sentenced to be hanged after one year's confinement in the Maine State Prison. This sentencing was consistent with Maine's 1837 capital punishment law which stated that a sentence could not be executed until the convicted had been confined to the state prison for one year and one day. Wagner would be one of the last to benefit from this law.

The 1837 law also had another stipulation: The sentence could not be completed until the governor issued a warrant ordering the execution. No time limit was prescribed as to when the governor should issue his warrant. This clause, coupled with the strong sentiment in Maine against capital punishment, meant that no murderer had been executed in Maine for 30 years.

In 1867, this bloodless record prompted Gov. Joshua Chamberlain to recommend to the Legislature that either the penalty be abolished or the law require the governor to issue his warrant in a fixed time. No action was taken upon this recommendation.

In 1869 the Maine State Legislature went one step further in doing away with capital punishment. It enacted



Gov. Joseph R. Bodwell

ed a law requiring the governor and council to review the court's finding in cases of conviction and death sentence. Upon review, the governor was empowered to commute, pardon, or issue a warrant for a prisoner's execution within a given length of time.

The next two governors were not at all happy with this piece of legislation that made them, for all intents and purposes, the hangmen. In 1870 and 1874, Maine's governors entered a protest against this law on the ground that it imposed judicial functions upon the Executive branch. The Legislature responded in 1873 by amending the law to require the governor to issue a warrant for execution within 15 months after sentencing. It was this amendment that was ultimately responsible for slipping the noose around Wagner's neck.

Governor Nelson Dingley, Jr. had the unpleasant task of carrying out the law. Gov. Dingley signed Wagner's warrant and then granted a reprieve, pending the outcome of another murder case. Like Louis Wagner, John True Gordon had been convicted of a mass murder. Both men were to be hanged until June 25, 1875, whereupon warrants for their execution were to be issued. This time the sentences were final, and the two men were hanged that summer day in the Maine State Prison yard.

The story might have ended there except for the fact that a horrifying incident took place at the execution, a situation which accelerated the move to abolish capital punishment in Maine.

The incident? The state hanged a dying man. On June 24, the night before the execution was to take place, John True Gordon attempted suicide. He nearly succeeded. Found dying the next morning in his cell, the question

arose as to whether he should be hanged. The state determined that the wheels of justice must keep turning, and the dying man was dragged to the gallows.

Wagner was a stronger specimen. But just before the trap was sprung, Wagner surprised his executioners with his declaration of innocence. Wagner would be one of the last men to die at the hands of the state. The following year, 1876, the death penalty was abolished, only to be reestablished in 1883.

In February of 1878, John W. Barron, a Dexter bank cashier, was found in a vault of his bank bound and apparently suffocated. Some detectives called into the case were not totally convinced that Barron had been murdered. In fact, they evolved a credible theory of suicide, sustained by the fact that Barron was in financial trouble.

The unsolved case was all but forgotten for the next 10 years. If loose lips could sink ships, they could also sink lives. Early in 1888, Charles Stain of Massachusetts confessed that the Barron murder had been committed by his father, David Stain, and an accomplice named Oliver Cromwell.

The younger Stain told his story in great detail, which was supported circumstantially. Stain and Cromwell were tried in February of 1888 and found guilty. The two men made a motion for a new trial, and that request was overruled. Stain and Cromwell were sentenced to life imprisonment in Thomaston, spared the death penalty by a matter of months.

Their savior was state Rep. William Engel of Bangor, who introduced a bill for the repeal of the death penalty one year earlier. The bill was supported by such notables as Hannibal Hamlin and the Rev. C.W. Goodfriend of Augusta.

Engel challenged the members to "Repeal the obnoxious law, and rise one step in civilization."

In a final note of irony, the younger Stain admitted to lying and reversed his confession implicating his father, and Cromwell in the Dexter banker's death. The case fell through and the two men were released. Had capital punishment been in effect in Maine at the time, Stain and Cromwell might have been wrongfully hanged.

But the story still does not end there. Contrary to popular belief, Louis Wagner's execution had no direct influence upon the state's abolition of the death penalty. John True Gordon's death had relatively more effect. Nor was Wagner, as has been commonly recalled, the last man to be hanged for murder in Maine.

The last person to be hanged for murder in Maine was Daniel Wilkinson of Bath who was hanged at the Maine State Prison in 1885 for the murder of a Bath politician. Officer William Lawrence caught Wilkinson robbing a store on the Bath waterfront. When he closed in, Wilkinson fired and killed the officer.

The case was specifically wrapped up and Wilkinson was arrested, tried, convicted and duly executed. There was no mystery, no intrigue about the crime. Neither was there any effort to save Wilkinson from the gallows. The times themselves brought about the repeal of the death penalty, prompted largely by religious and activist groups throughout the state.

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Infamous murder case revisited

MORNING SENTINEL

UM students to present findings at Hawaii forum

AUG 1 1999

By Gordon Bonin
Of the NEWS Staff

BANGOR DAILY NEWS

In the early hours of March 6, 1873, Norwegian immigrants Anethe Christensen and Karen Christensen, sisters-in-law, were hacked to death with an ax in their home on Smuttynose Island



Wagner

in the Isles of Shoals off the Maine-New Hampshire border. Only Karen's sister, Maren Hontvet, survived the attack, which occurred while the island's

three menfolk were on the mainland.

Prussian immigrant Louis Wagner, a fisherman who had lived on the island for nine months in the year prior to the murders, was convicted of the killings. At the time, he was living on the mainland in Portsmouth, N.H., and was thought to have rowed a dory to the island and back during the night to commit the crime. He was hanged on June 25, 1875, at the state prison in Thomaston, one of the last men to be executed in Maine.

Now a group of graduate history students at the University of Maine has analyzed what is one of Maine's most infamous murders

(See Murder Case, A12, Col. 7)

UM students revisit 1873 murder case

Findings to be presented Aug. 6 in Hawaii

Murder Case, from A1
from a variety of angles. Their analyses bolster the persistent sentiment since the time of Wagner's trial that the wrong person may have been convicted. According to the students, enough reasonable doubt existed to acquit Wagner.

They raise the possibility that Wagner's conviction was based on faulty analysis of forensic evidence. They also assert that the most likely killer was discounted due to the era's cultural biases, because she was



Hontvet

a married woman who was the sister of one of the murder victims.

The six students are to present their findings at the prestigious annual convention of the Pacific Coast Branch of the American Historical Association on Aug. 6 in Maui, Hawaii. They hope to compile their essays into a book; some publishers have already shown interest.

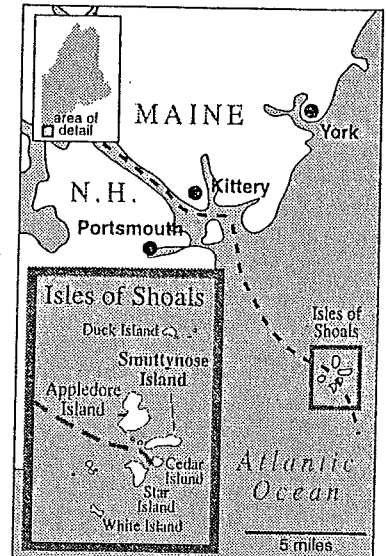
Each of the six took a different angle of the case. Sherry Abbott studied the trial transcript; Anu Bradley looked at the forensic evidence; Lynne Manion delved into the way the case has been portrayed in popular culture.

Kevin Marsh studied Wagner's execution in the context of Maine's subsequent abolition of the death penalty; Elisabeth Hill studied the immigrant element; and Cynthia Richardson analyzed contemporary author and Isles of Shoals resident Celia Thaxter's writings on the matter. A seventh student in the class, Mark Herbest, compiled a photo essay that will be used in the book.

"This case lends itself to a number of different analyses," said Paula Petrik, the history professor in whose graduate seminar, Social and Intellectual History, the students latched on to the case. "The least interesting question for a historian is 'Whodunit?' because we can never know."

"We were trying to go beyond the gruesome event and to go into the legal, medical, social, political and cultural aspects," said Bradley.

Manion added, "There hasn't



NEWS/Eric Zelt

been a good historical treatment [of the case] before."

The case had one small parallel with the O.J. Simpson case. At one point Simpson tried on a pair of bloody gloves. One minor piece of evidence in the Smuttynose case was a shirt with a bloodstain on the tail.

"There's a scene in the trial where Wagner tries on the shirt and the cuffs are too tight. They didn't close up," Abbott said.

She also found that Maren Hontvet, a housewife, was subjected to very easy questioning during the trial. The easy interrogation was due in part to the fact she was Norwegian, Bradley said. "Norwegians were considered highly desirable immigrants."

Bradley studied what she calls "the grisliest part" of the case: the forensic evidence.

Crucial articles of bloodstained clothes were both introduced into as evidence in the trial and excluded. Along with the shirt, a pair of work overalls and a work jacket belonging to Wagner were admitted as evidence. Excluded was Maren Hontvet's blood soaked nightgown, Bradley said.

In 1873, the only question that could be answered concerning bloodstains was whether the blood came from a mammal or a non-mammal, such as fish, Bradley said.

Being a fisherman, Wagner's work clothes were probably

1875 double hanging stirred death penalty debate

KENNEBEC JOURNAL

MAR 5 2000

June 25, 1875, was a double-header day in the annals of capital punishment in Maine, for on that day, not only Louis Wagner, the ghoulish ax murderer of Smuttynose Island went to the gallows at the State Prison at Thomaston. At his side, they hanged John True Gordon, an unpleasant fellow who had recently hacked to death his brother, his sister-in-law, and one of their small children.

Despite the doubtful prospect for rehabilitation in either of these notorious cases, the double hanging was a bit much for even the strongest of stomachs, and the long debate over the death penalty in Maine, which had raged for more than five decades, burst onto the public stage once gain.

The grisly spectacle had been witnessed by thousands, and as expected, Maine's Quakers once again raised the cry for the abolition of capital punishment. And they were not alone. Of all Maine's churches, only the Congregationalists and Baptists continued to officially support the death penalty in Maine, apparently being made of sterner stuff.

The fact of the matter, however, was that Maine had never been big on hanging people. Its use of the death penalty, in an era

body off to Hallowell, where attempts to revive the poor fellow were attempted, utilizing something called "galvanism" and other fruitless experiments. Good grief!

After Sager's execution, although you can rest assured that there was no noticeable decline in the murder rate in Maine, only one other prisoner was actually hanged in Maine before Wagner and Gordon met their fate. Two additional murderers were convicted and sentenced to death in the 1840s, but neither was actually executed.

As the public reaction to the double hanging of 1875 grew, a bill was presented to the Legislature to ban capital punishment in Maine. And in 1876 it passed rather easily, in both the House and the Senate.

The next seven years, during which Maine had no death penalty, provided an interesting opportunity to evaluate capital punishment as a deterrent to murder. In the seven year period before the penalty was abolished, there were 86 homicides in Maine. During the next seven years, with no death penalty, there were only 42. It was not a comforting statistic to those who defended state executions.

But it didn't stop the warden of the state prison in 1882 from complaining long and

loud that "the number of life sentences in Maine are increasing yearly." His words were widely publicized in the press, which had never been squeamish when it came to advocating executions and covering them in gruesome detail.

And so, in 1883, seven years after Maine had voted to abolish it, the Legislature reinstated the death penalty, in cases of "murder with malice aforethought." It was a death penalty with increased safeguards for the convicted, however. The waiting period was extended to 15 months, and governors were given the power to pardon convicted killers or to commute their sentences to life imprisonment.

Support for the death penalty, never what you could call overwhelming in Maine, was further undermined by jurists who claimed that the presence of the death penalty actually served to help some killers. In the seven years without capital punishment, not one of 42 accused murderers had been acquitted, while in the previous seven, with the penalty in force, eight of the 86 accused were acquitted. Were jurors less likely to convict when their decision could mean the death of the accused?

But the final death knell for capital pun-

ishment in Maine came after three men were convicted of murder in 1884. The first, Daniel Wilkinson, was convicted of killing a police officer during a robbery in Bath, and two Italian laborers were convicted of murdering a third. After the obligatory waiting periods, all three were hanged in 1885 before standing-room-only crowds, and the public revulsion echoed throughout the state.

Maine had had enough. In 1887 a renewed effort to abolish capital punishment was made in the Legislature, and passed by wide margins in both the House and Senate. Even when national support for the death penalty began to swell in the 1970s, and most states restored capital punishment to their statutes, Maine resisted such pressures and remains one of only a handful without any capital crimes whatsoever.

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Yesterday in Maine

Bill Williamson

when a good many crimes were punishable by death worldwide was less common than elsewhere, and beginning in 1837, a condemned criminal had to be held in the state prison for at least a year before execution could be carried out, and even then, not without a signed warrant by the governor.

The general repugnance was enhanced by a famous case in 1834, when a man named Joseph Sager was convicted of murdering his wife and sentenced to hang. The unfortunate wife had died suddenly under suspicious circumstances, but more than a few had serious doubts about Sager's guilt. Nevertheless, he was put to death, steadfastly claiming his innocence to the very end.

The bizarre events immediately following his hanging further stirred the public mind. For reasons never revealed to the public at large, officials rushed Sager's still warm

Chessman Case Recalls . . .

Maine, Too, Had Its Furor Over The Death Penalty

By WALDO E. PRAY
Staff Reporter

The furor in California over the merits of the death penalty for capital crimes once raged with equal ferocity and bitterness here in Maine.

Maine, too, had its Caryl Chessmans. Perhaps they were not as articulate as the celebrated California kidnapper, but many of them languished even longer under the sentence of death. Some finally paid the penalty. Others died of natural causes after spending decades in the State Prison under sentence of death.

In the end it was this laxity in carrying out the sentences, coupled with the repulsive spectacles of actual executions, that doomed capital punishment in Maine.

Officially Maine shunted into history its gallows and hangman's noose March 17, 1887.

Daniel Wilkinson, a middle-aged Englishman, had the dubious distinction of being the last man to die on a Maine gallows. The trap was tripped on Wilkinson at 11.59 a. m. Nov. 20, 1885. He died 15 minutes later.

Maine had vacillated over the problem for years.

It had restored capital punishment after abolishing it for seven years, 1867-83. During the seven years there were only 24 murders in the state. There were 32 murders in the four years after the death penalty was restored.

Foes of capital punishment used that fact in successfully arguing for its abolition once and for all.

IN THE END it was public revulsion that spelled the end of the death penalty. The unsung and probably unintentional hero was the newspaper reporter of the era.

Hangings were big news and the reporter pulled all the stops in creating a sort of "You Were There" routine for the readers.

He dutifully chronicled the last day of the prisoner's life. He wrote about the prisoner's mother, what he ate, how he slept. If the prisoner was cooperative, the reporter penned for posterity the doomed wretch's last dreams.

ON THE APPOINTED DAY the reporter practically led the prisoner by the hand. He colored his story with myriad details. He put the sun in its proper place in the sky. He told of the pink clouds overhead. If the prisoner sighed, cried or was brave, cowed or hysterical, it was recorded for the paper's readers.

The reader literally ascended the steps to the gallows. He heard every word of the chaplain's prayer. He saw the terror in the man's eyes, the nervous twitch of his hand as the black cap was pulled down over his

eyes. The reader was made to see the sheriff's foot on the trip mechanism and made to hear the sheriff's last words:

"By the authority of the power vested in me I now hang you by the neck until you are dead, dead, dead and may God have mercy on your soul."

The reader heard the low moan of the doomed man as he plunged through the opening—heard the twang of the rope as it snapped taut with its burden.

Even that didn't satisfy the journalistic requirements of the day. The reporter took you on an eyewitness tour beneath the gallows as a doctor kept a minute-by-minute check on the heartbeat and the pulse.

One minute pulse 46, four minutes pulse 34, heartbeat unsteady, and so on until the man was pronounced dead. Sometimes it took as long as 15 minutes for the man to die.

AT BEST HANGING was a gruesome way to die, and these detailed accounts often created the impression that some of the hangings were botched.

There is every reason to believe that some of them were bungled.

One of the last men to be hanged in Maine was John T.

Gordon, who had murdered his brother and sister-in-law and their child.

The night before his scheduled hanging Gordon got hold of a knife and stabbed himself three times. The next morning doctors said Gordon was dying. But the sentence said Gordon was to die by hanging and officials refused to see the sentence cheated.

The badly bleeding man was dragged across the prison courtyard, held upright while the noose was put in place and sent plummeting to his death. The noose was improperly adjusted and Gordon died from

strangulation.

EVEN THE MOST hardened of reporters recoiled at the horror of the scene. But that didn't stop them from recreating the scene for the newspapers in all its gory details.

Gordon died in 1875 and the public was so shocked by the stories of the death that the Legislature abolished the death penalty the very next year.

Time has a way of erasing bad memories, however, and the death penalty was restored seven years later. It took another series of hangings, capped by the Wilkinson affair before it was abolished permanently.

But capital punishment in Maine refuses to be an obliging corpse.

As recently as 1937, following the notorious murder of Dr. and Mrs. James G. Littlefield, a public outcry was raised for the restoration of capital punishment. The Legislature refused.

Last death-penalty hanging in Maine in 1885

By Ed Schriver
Special to the NEWS

Only four days after the capture of Daniel Wilkinson, who murdered Bath Police Officer William Lawrence more than a century ago, another crime took place in Brewer. Two Italian laborers, Raffaele Capone and Carmen Santore, robbed and killed a fellow worker, Paschual Coscia. All three men had been employed by the Maine Central Railroad. Capone and Santore came to trial in Bangor in February 1884.

At their trial, each man blamed the other for the robbery and the murder. The trial was slowed down a bit because the words of the participants had to be translated either from English into Italian or the reverse by Miss A. Bernadini of Bangor.

Once the jury had heard the evidence, the verdict came swiftly — guilty of murder in the first degree. The two men were sent to Thomaston to wait for their executions.

That day came in April 1885. Santore and Capone were readied for the gallows. The scaffold had been erected two days before the executions. One hundred fifty feet of manila hemp, one-half inch in diameter, was prepared. The trap on the gallows was 5 feet long and 4 feet wide. Each man weighed about 150 pounds. When the trap opened, death was supposed to be instantaneous from the trauma to the spinal cord.

This gallows was no stranger to the state prison. It was the instrument which had executed the mutineers Cox and Williams in 1858 in Auburn, Spencer in 1864, Harris in 1869, Wagner and Gordon in 1875, and now the two Italians.

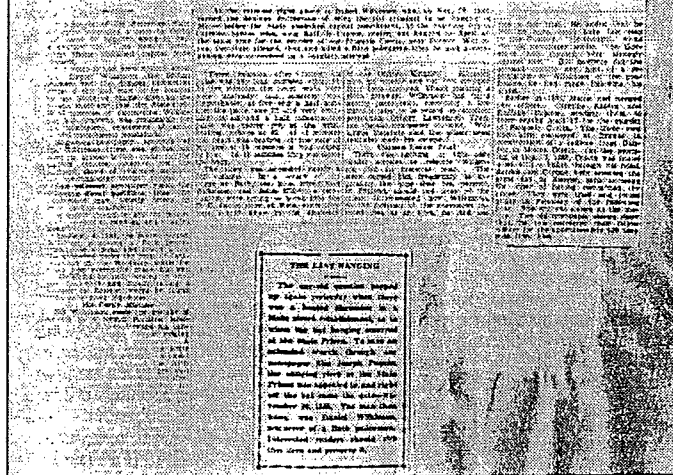
The night before the fatal day, Capone slept little and was understandably restless and nervous. Both men smoked incessantly. Capone read the Bible and consulted an Italian dictionary.

On April 17, 1885, they were led to the gallows. The execution audience was small. Twelve passes were issued, and including the deputies, physicians and prison officials, perhaps 30 people were there. The reporter for The Republican Journal in Belfast painted a word picture of the scene:

"It was a trying occasion for the spectators. A bright sun shone down upon the scene, the green grass was showing itself, the birds outside the prison walls were chirping and everything spoke of life. ... It was a scene never to be forgotten. ... Warden Bean with tearful eyes delivered

Old Newspaper Accounts Of Last Hanging In Maine Fail To Support Theory Of Innocence

Columns Contained No Shreds Of Evidence To Prove That Daniel Wilkinson, Convicted As Killer Of Bath Policeman, Died Otherwise Than A Guilty Man



A NEWSPAPER account explains the events in the late 1800s that had to do with the convictions and deaths of these three men (from left) Carmine Santore, Raffaele Capone and Daniel Wilkinson.

the prisoners into the hands of Sheriff Irish. The Sheriff read the death warrant, which was interpreted to the prisoners by a man from Camden."

Before the noose was put around his neck, Santore struck his breast and cried out, "Me not afraid. I shall triumph." On hand were medical doctors Hitchcock and Banks of Rockland, Roethe of Boston, Gerrish of Portland and Levensalor of Thomaston.

The trap was sprung. After 2½ minutes, Santore's pulse was 60; after four minutes, 90, and after eight, no pulse. Capone's was 84 after 2½ minutes, and still 62 after seven minutes. After the bodies had hanged for

25 minutes they were removed.

Maine was to hang only one more person before the state Legislature abolished the death penalty for a second and probably last time in 1887. The description of Daniel Wilkinson's execution in November 1885 gives today's readers some idea of one major reason many legislators voted the way they did two years later. The observer for the Weekly Kennebec Journal wrote:

"The object in black shot down through the trap, and at just one-half minute before 12 o'clock Wm. Lawrence's murderer passed from life to death. The body did not whirl around, as did the Italian's. ... The head fell to one side. The body

swayed a little and for one minute, convulsions were noticeable, the contraction of the legs moved the rope. Fifteen minutes after the man fell, no pulse could be felt, and three minutes later he was placed in his coffin."

After executions began to be moved from the public scene in the 1830s, Maine hanged seven men: Francis Spencer in 1864, Clifton Harris in 1869, Gordon and Wagner in 1875 and Capone, Santore and Wilkinson in 1885.

The years 1875 and 1885 were near important dates in the history of criminal law in the state. In 1876, the death penalty was abolished for the first time, and in 1887 it was ended for good. The grisly circumstances of the hanging of most of these murderers must have made its imprint on the humane feelings of Maine people.

In the 20th century, several attempts were made to restore the death penalty. Bills in 1925 and 1937 went only as far as the legislative Legal Affairs and Judiciary committees. In one instance, the recommendation was "ought not to pass" and the other "have leave to withdraw."

The next attempts took place in the 1970s, when many people feared for their lives and were disgusted at the poor performance of law enforcement. The Miranda vs. Arizona decision of the Supreme Court in the 1960s which extended the protection of a suspected felon's rights and the 1972 decision in Furman vs. Georgia, which ruled that the capital punishment laws of some states constituted "cruel and unusual punishment" as stipulated by the Eighth Amendment to the Constitution made many people angry.

In response to what were perceived to be national and state concerns, four bills to restore capital punishment were introduced into the Legislature. One was at the behest of some Biddeford High School students who had been studying the death penalty. The other three were introduced by Rep. Stanley E. "Tuffy" Laffin of Westbrook. All four failed to pass.

There was little support for the Laffin bills. By 1979 when the last of them was presented, it was clear that Maine would stick to the decision made by the Legislature in 1887 — the death penalty would not return to Maine.

Ed Schriver is an associate professor of history at the University of Maine.

BDW 3-13-89

THE COURIER-GAZETTE

Rockland, Maine, Thursday, August 15, 1974

SINCE

1846

Daniel Wilkinson — Last Man Hanged In State Of Maine

By Dick Dooley

Twenty minutes after midnight on Monday, Sept. 3, 1883, a pistol shot echoed through the deserted business section of Bath. A second shot following immediately startled many from their slumbers.

It was learned later that the first shot was fired by Police Officer Kingsley, who had come upon three burglars attempting to enter the D. C. Gould grocery store on Commercial Street. As the trio attempted to flee, Kingsley ordered them to stop, to which one of the men replied, "Oh no, I guess not!" Kingsley then fired, but missed, as the man hastily departed. The other two made for a "hiding-place" behind Monroe's junk store on the corner of Arch and Commercial Streets.

The third man, as later events indicated, ran up Broad Street, "with his ugly 32-calibre revolver fully cocked in his hand for instant and deadly use."

In his pursuit of the burglars, Kingsley had blown his whistle to summon assistance, with Officer William Lawrence responding. Coming down Front Street, Lawrence encountered the fleeing burglar and ordered him to stop. The officer placed both hands on the man's shoulders, and asked, "What have you been doing?"

There was no response. The subject raised his ready weapon and fired once. "The officer's grasp of the murderer's shoulders immediately relaxed, and with a groan he sank upon the frosty road." Officer Lawrence died instantly from a massive head wound.

Investigators would determine that the escaped murderer was one Daniel Wilkinson.

Daniel Wilkinson was to have the dubious distinction of being the last man executed in the State of Maine.



DARK DEEDS AFOOT — In Bath the night of Sept. 3, 1883; when Police Officer William Lawrence, (left), was shot to death by Daniel Wilkinson, an English or Australian sailor. The crime followed interruption of a burglary attempt. Following trial for the conviction of murder, Wilkinson was hanged at the State Prison in Thomaston on Nov. 20, 1885, the last person to be executed in Maine. These illustrations, reproduced in The Courier-Gazette at the time of the execution, first appeared in The Bath Times.

Intensive Search

The body of Lawrence was found, later lying near Welch's boot store by Officers Tibbatts and Harriman, who had been eating their lunch at the Bath police station, and had become curious about the prolonged absence of "Uncle Billy."

After the body was examined by Coroner Ballou, a search was mounted by City Marshal Bailey. One suspect was arrested in Brunswick, but released after questioning. "There were all sorts of rumors going around," Officers examined Gould's store, where the burglary had been attempted. It was found that a jimmy had been used on the front doors so that a slight shove would have made access easy. (There was more than \$500 in the safe, but a strong combination lock would have made a break extremely difficult).

There was little to be found

in the way of useful evidence.

In the morning, a relative of Lawrence performed the melancholy duty of informing the slain officer's wife and daughters of what had happened. Lawrence was retired from the sea, after many years of serving as first officer with many well-known Bath captains. He was universally liked and respected in the community.

"After much pulling and hauling on the part of the authorities, and running to and fro in vain by the police," Detective J. R. Wood of Boston arrived. Information was received that two suspicious persons had been boarding in a Portland "cheap house," and were away on Sept. 3, the time of the murder. Wood checked the lodging house and found a sailor's bag. From papers therein, he found the men's names to be Daniel Wilkinson and Thomas

Elliot. He learned further that Elliot had returned to Portland the day after the murder, and said that he and Wilkinson had shipped at Bath on a vessel which they would join in Boston.

Detective Wood also discovered that two years before, Wilkinson had been tried and convicted of robbing a store at Thwing's Point in Brunswick, but had escaped from the Bath courthouse basement. The modus operandi corresponded with the attempt at Gould's store in Bath.

Other pieces of the puzzle began to fall together as Wood continued to investigate; a flask of powder found in the junkyard; a scrap of newspaper with a significant date; a match found on the premises of a Brunswick drug store, the match having an unusual hue of brimstone; a chisel also used on the Gould store door; a letter and matches found in the seabag at the Portland lodging house.

THE COURIER-GAZETTE

Rockland, Maine, Thursday, August 22, 1974

SINCE 1846

1846

Daniel Wilkinson — Last Man Hanged In State Of Maine

By Dick Dooley

II — Who Was Wilkinson?

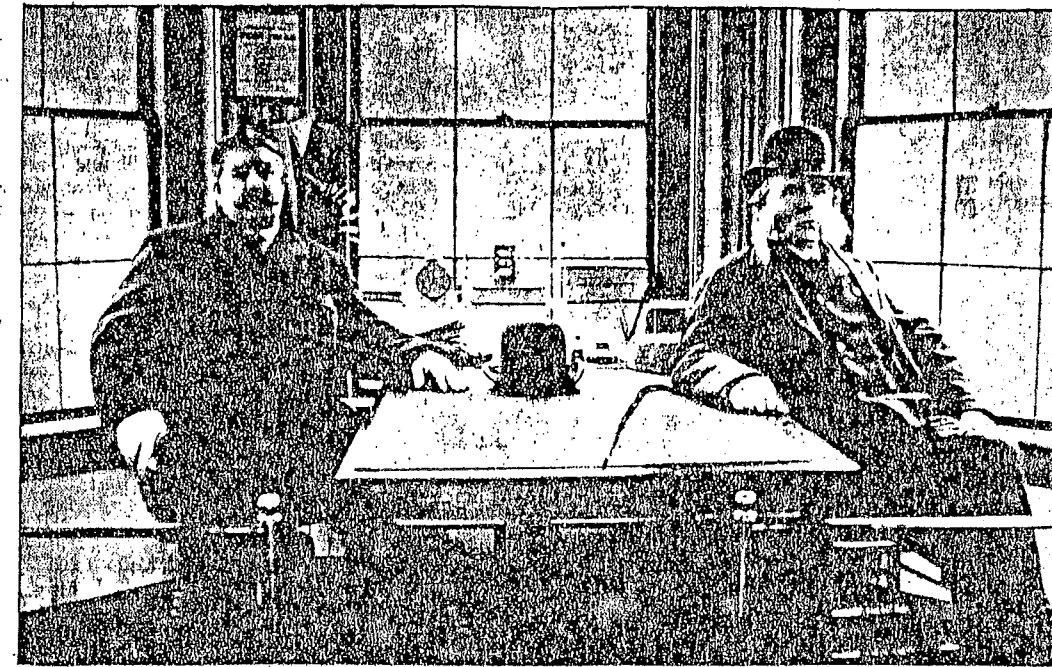
Last week it was seen how interruption of an attempted burglary brought about the shooting death of Bath Police Constable William Lawrence, 63, in the early hours of Sept. 3, 1883. Apprehended 12 days later at Bangor, after diligent investigation by a Boston detective, was one Daniel Wilkinson, who was returned to Bath to stand trial for murder. Wilkinson talked freely with his captor on the train ride from Bangor, and related how he had made his escape from Bath — rowing across the river, walking to a Knox & Lincoln Railroad station, and boarding the first train to Rockland, where he spent the night.

Wilkinson's sojourn in Rockland was brief. After arrival at the original train depot, he evidently spent the night near the waterfront, before departing on the first available Boston & Bangor Line steamship for Bangor, where he appears to have had little difficulty finding employment on the Penobscot River for a logging firm.

Detective J. R. Wood, joined by a Boston colleague, Detective Wiggin, had enlisted the services of Bangor City Marshal Reed in effecting the fugitive's capture. He had been traced through a letter to his Portland "cheap house" landlord.

It was first thought that there were three men involved in the attempted break at the Bath grocery store of D. C. Gould. It was later established that there were but two: Wilkinson, who was alleged to have fired the revolver shot which killed Constable Lawrence, and a man going by the name of John or Thomas Elliot, although this was probably not his true identity.

In fact, Elliot, or whoever he really was, disappeared, never to rejoin our cast of characters. This man was thought to have



LONG ARM OF THE LAW — Photographed in 1885, the men shown were typical enough of police officials, and high-ranking administrators of penal institutions. It was a time when investigators like J. R. Wood, who "broke" the Wilkinson case, were attempting to employ a certain amount of science and psychology in their pursuit of criminals.

gone to Boston or New York, where, as a sailor, he would have "shipped upon some vessel for a foreign country." The fugitive was described as being: "22 years old, face covered with quite a growth of fine hair, particularly his upper lip. He probably has never shaved; light complexion, brown hair, blue or grey eyes; five feet five or six inches in height, weighs 130 pounds; walks with his head down, and rolls in his gait like a sailor." It was believed that he and Wilkinson had met in Philadelphia and come to Portland by boat.

A Frightened Sailor

If nothing else, a search for Elliot did succeed in frightening one seafarer half to death. One Tilton Eldridge, a sailor on

a vessel en route from Portland to Bucksport, was arrested during a stopover at Thomaston. The Bath city marshal, advised that two men had shipped on the schooner A. P. Emerson at Portland, promptly wired to the vessel's captain at Thomaston and Bucksport, thus causing the arrest of Eldridge. That hapless soul was carted off to Bath, interrogated, and eventually released. "He appeared to be well pleased to get out of the lockup; he said this was the first time he had ever been arrested, and hoped it would be the last.

he went to sea. His parent, he said, still resided in London where his father was proprietor of a small store. The prisoner had last heard from his parent four years previously. The knew nothing of his crime and present predicament.

Life Down Under

Although not a native, Daniel Wilkinson apparently knew Australia well, undoubtedly touching there more than once as a sailor. He stated "that at one time he was a bushwhacker in Australia, in which country he had a fortune in the shape of buried treasure."

Wilkinson added that "the country finally became too war for him, and he left in haste leaving his treasure." It has been his intention to return in time "to his former haunts" and retrieve the gold.

Just what the hard-living sailor meant by "bushwhacker"

(Continued on Page Eight B)

Daniel Wilkinson — Last Man Hanged In State Of Maine

By Dick Dooley

III. — Last Act and Curtain

In two preceding chapters it was shown how Daniel Wilkinson came a long way from the modest London home he left at age 14 to go to sea. Some 24 years later, he was in police custody, charged with the murder of Bath Police Constable William Lawrence on Sept. 3, 1883. The powerful, stockily-built sailor with the bristling beard had been apprehended at Bangor, 12 days after the slaying of the elderly police officer, through diligent efforts of Boston detectives Wood and Wiggin, called in to assist Bath authorities, and investigators in Maine ranging from Portland and Brunswick to Bangor, where a dragnet set up by City Marshal Bailey soon brought in Wilkinson. His accomplice in a burglary attempt at Bath, a sailor believed to be one Elliot, was never found.

Wilkinson's discussion of the burglary attempt at Gould's store, and his shooting of Lawrence, with Detective Wood was regarded as a full confession. In fact, the prisoner at no time denied having shot the constable. Before Justice Tallman at a preliminary hearing at Bath, Daniel Wilkinson entered a plea of guilty to the indictment of murder in the first degree.

The man who claimed to have been a bushwhacker in Australia was committed to the Augusta jail to await trial during the December (1883) term of court. Extraordinary security measures were taken when it was discovered the night of Nov. 16 that Wilkinson had attempted to break jail. "He had a saw and skeleton keys, but suspicion arose and his cell was searched. He had filed off one bolt. How he got the tools remains a mystery."

Trial was brief, and concluded on Saturday, Jan. 5, 1884 — the verdict was guilty of murder in the first degree.

Attorney General Henry B. Cleaves, in association with Sagadahoc County Attorney Frank J. Buker, presented the State's case. Wilkinson was represented by Hon. Herbert M. Heath of Augusta, appointed counsel by presiding Justice Artemas Libbey.

Heath attempted unsuccessfully to have the charge reduced to second degree murder. His one hope for Wilkinson was to present a case arguing self-defense — that the defendant suddenly came upon the officer, unaware that the latter was anywhere about, and "found himself seized by both shoulders by a powerful man." Wilkinson had drawn his revolver when first starting to run, and pointing it at the man in front of him, pulled the trigger.



FROM THE ROCKLAND OPINION — This portrait of Daniel Wilkinson appeared in The Rockland Opinion for Nov. 20, 1885, the day on which he was hanged at the Maine State Prison in Thomaston. It was undoubtedly taken from a photograph, since at this time prison officials had decided to have what they termed the more "dangerous felons" pose for the camera. Reproduced through courtesy of the Rockland Public Library.

Wilkinson was not called upon to testify. In his behalf, it was contended that there was no testimony showing premeditation.

In his instructions to the jury, Justice Libbey stated that if they found that Wilkinson had armed himself and went to Gould's store to break it open, "with the intention of shooting and killing any person who should oppose him, they should find murder in the first degree, even if there was no deliberation at all at the time of killing."

During the deliberations, the verdict was sustained. The prisoner was taken to Bath for the next session of Sagadahoc County Supreme Court (as it was then called), and on Aug. 27, 1884 was sentenced to death by Justice Thomas Haskell.

At this time, a condemned person was sentenced to a year at hard labor in prison before going to the gallows. Some felt, perhaps cynically, that such a

period of time would give the doomed person an opportunity to reflect on his or her sins. More realistic was the basis that further investigation, if any, might indicate that the wrong person had been convicted.

"Very Little Was Said"

Daniel Wilkinson was issued the usual prison uniform — black on one side and brownish red on the other — and given a work assignment, just as in the case of any other inmate. His year of hard labor appears unmarked by any incident out of the ordinary. The Rockland Opinion noted of this period, "During the time, very little was said in the papers about his case, and the public seems to have taken little interest in it."

Shortly before sentence was to be carried out someone did take interest in the case — Rev. Frederick Towers, an Episcopal clergyman who had come to know Wilkinson. Almost single-handedly Rev. Towers sought to obtain a commutation of sen-

tence. On Nov. 5, 1885, a hearing was held before Gov. Frederick Robie and the Executive Council, with Tower's sentiments upheld by Mr. Heath, who had been Wilkinson's defense counsel. The council voted to take no action. Daniel Wilkinson was to hang at noon Friday, Nov. 20.

He was placed in a solitary cell, as was customary for condemned men. It was reported that Knox County Sheriff Wilder S. Irish of Rockland, whose duty it would be to preside at the execution, was at the prison making arrangements for erection of the gallows, which were taken down and stored after every hanging. These were erected at the eastern end of the wood-working shop, down in the old quarry, directly beneath a platform connecting the shop with another. The rope was furnished by sailmaker William Farrow of Rockland.

Official witnesses were listed. Physicians included F. E. Hitchcock, Rockland; O. W. Stone, Camden; H. C. Levensaler, Thomaston, the prison physician; F. A. Davis, Searsport.

Sheriff Chapman, Penobscot, who served in the same Civil War Regiment with Irish; Sheriff Wadsworth, Waldo; City Marshal French, Lewiston; Mr. Patterson, jailor at Wiscasset; Ira M. True, detective, and city marshal of Hallowell; Mr. Smith of Auburn, son of Sheriff Smith, Androscoggin; officers Kittredge and Tibbets, and Alderman Hayes of Bath; Prison Inspector Bean of Wilton.

Press representatives included: Messrs. Higgins, Portland Argus; Andrews, Lewiston Journal; Thompson, Richmond Bee; Herbert M. Lord, editor, The Courier-Gazette; Levi Robbins and Oliver Otis, proprietors, The Rockland Opinion; Dr. Levensaler, who would furnish an account to Associated Press.

Also, Knox County Attorney True P. Pierce, in his official capacity, and Deputy Sheriffs Cyrus R. Morton, Union; Joseph M. Porter, Vinalhaven; D. H. Mansfield, Hope; Thomaston Police Constable Jesse W. Peabody.

Last Day

Calm to the end, Wilkinson gave an extraordinary interview to reporters on Thursday evening. He expressed little bitterness, except for some aspects of the trial including testimony by prosecution witnesses. He told more of his life,

(Continued on Page Nine B)

CONTINUATION
MISS/NS



Yesterday in Maine

Bill Williamson

Executions always rare Maine events

To its credit, many people believe, Maine was among the first of the American states to abolish capital punishment, which was stricken from the statutes more than a century ago, in 1887. The last person to pay the ultimate penalty here was convicted murderer James Wilkinson, who was hanged at the state prison in 1884.

And even when capital punishment was legal in Maine, it was used infrequently, and was usually employed only when a killing had occurred. Thus, in the more than 250 years between 1633 and 1887, only four executions took place in Portland — and one of those, by a military firing squad, really took place at Fort Preble in South Portland.

And we should remember that this was an era in which the death penalty was common. In England, for example, more than 200 offenses, mostly crimes against property, were punishable by death. Hangings in England were common, and a source of considerable public excitement and entertainment. Executions were public in Maine, too, which disgusted many, and may well have helped speed their abolishment.

It was during the Civil War that the aforementioned Fort Preble execution took place, and as it turned out, it had all the elements of tragedy. The young soldier involved had been court-martialed for desertion, and sentenced to death by firing squad. Friends and family entered last minute appeals in Washington, and the day before the execution, the Army reversed the court martial and commuted the young soldier's death sentence.

Unfortunately for the young Mainer, however, the decision came at the exact time that violent draft riots were turning New York City into a madhouse of violence, fire and destruction, and one casualty was the telegraph connections between Washington and Maine. By the time service was restored, and the message that would have saved the soldier's life arrived at Fort Preble, it was too late. The young man had died just hours before.

Of the three civilian executions to take place in Portland, two involved seamen, always regarded as a rough and unsavory lot. Both these scoundrels were convicted of doing away with shipmates, one by stabbing and another by tossing his victim over the side.

The latter, who was surnamed Goodwin, was tried in a tavern, since before the American Revolution there was no courthouse in Portland. It was 1772 at the time, and after being found guilty of murder by drowning, Goodwin was promptly hanged on Bramhall Hill, at the present intersection of Bramhall and Congress streets.

The other seagoing villain, one Thomas Bird, received his trial in the old First Parish Church, at Indian and Middle streets, and like Goodwin, met his maker atop Bramhall Hill.

Portland's most famous hanging, however, took place in 1808, near the Observatory on Munjoy Hill. The victim was a brawny blacksmith named Daniel Drew, from Sacarrappa, later to become known as Westbrook. He'd been charged with killing a sheriff's deputy. Drew's case is of special interest because it shows clearly how far we've come in matters of criminal justice. And Drew's story is doubly intriguing, since the events which led to his execution had nothing whatsoever to do with him.

On the day in question, a friend of Drew's was spied by the ill-fated deputy, who'd been looking for him in order to arrest him for an unpaid debt. When the deputy approached, Drew's friend took off at a gallop, and rushed straight to Drew's blacksmith shop, telling his friend he'd been attacked, and asked for asylum.

Moments later the deputy arrived, and barged into Drew's shop, whereupon the large smithy told him to leave. The deputy refused, tried to get past Drew, and a fight ensued. During its course, the deputy was struck down by a huge fist, never to arise.

July 21, the day of the hanging, was a beautiful day and crowds of people from miles around brought picnic lunches to the event. Drew's stoic demeanor during the ordeal was the source of more than a little admiration among the assembled merry-makers.

Not satisfied with having hanged the poor fellow, however, his pious fellow townfolk wouldn't allow him to be buried in Sacarrappa's cemetery. Drew ended up buried outside the cemetery wall, in a small plot purchased for him by his heartbroken fiancée.

The first person ever executed in Maine was a woman who'd been convicted of doing away with her husband. Like Drew, she most likely would have escaped the noose today, even if capital punishment were still on the books.

Who knows, the jury might even have decided he had it coming.

Bill Williamson lives in Kennebunkport and started his journalistic career with the *Portland Evening Express* in 1959. He has written his column for the past 10 years.